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ABSTRACT

A discussion of the relationship between college and university accreditation and public policy concerning higher education begins by chronicling some events and trends involving each since 1913. A triad of players in the accreditation question is then described, and the history and role of each is examined. These players include the voluntary accrediting associations (regional and national), the accrediting functions of state governments, and the federal agencies concerned with institutional accreditation policy. A concluding section looks at the varied uses of accreditation that have evolved over a century, and some reasons that special accreditation issues concerning the federal government have arisen. The delicate balance and constant tension in which the triad operates is emphasized. It is concluded that the accreditation associations are not government agencies currently, and will not be in the conceivable future, but have a quasi-public relationship that requires stewardship and attention to the public service for which they were created. Contains 19 references. (MSE)

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# ARE VOLUNTARY ACCREDITING ASSOCIATIONS BECOMING GOVERNMENT AGENCIES?

## *THE CURRENT ANSWER*: NO!

## *BUT THE STRUGGLE CONTINUES*

A Position Paper

by

Fred F. Harcleroad

February 1990

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# ARE VOLUNTARY ACCREDITING ASSOCIATIONS BECOMING GOVERNMENT AGENCIES?

Over three-quarters of a century ago, in 1913, two seemingly unrelated events presaged this question. First, the North Central Association of Colleges and Schools published the first approved list of 77 accredited collegiate institutions, 72 junior and senior colleges, plus five teacher colleges and normal schools. All of these institutions participated voluntarily in the accompanying evaluation process, and when "approved" (Article IV, Section 2 - Membership) and listed as "accredited," each one could pay dues and be admitted to membership in the Association.

Second, in that same year, the 16th Amendment to the Constitution of the United States was approved. It gave Congress the right to tax incomes of corporations and individuals and budget these funds for the "general welfare," including education. Previously, in such cases as Pollack v. Farmers' Loan and Trust (1895), the Supreme Court had ruled similar taxing powers unconstitutional. Until 1913, the "spending power" of the federal government had been seriously restricted in contrast to the several states of the republic.

Federal efforts to affect state policies regarding education prior to 1913 had taken two main forms. First, many attempts had been made in Congress to establish a "national" university, with defeats every time. The second form, the spending power, came from establishing conditions for state expenditure of federal-budgeted funds. Early federal efforts to make educational policy--such as the Morrill Acts of 1862 and 1890--were based on rewarding states and territories with federal land grants (the only "funding" source available at the time) to obtain their participation in the proposed policy changes. This procedure had been followed since the 10th Amendment limited the powers of the federal government, reserving education to the states (Finkin, 1978). The spending power of the federal government expanded enormously as income taxes siphoned off increasing billions of dollars from 1913 through the next half century.

Eventually, in 1944, through the G.I. Bill (Public Law 82-550), Congress provided billions of dollars to support veterans' attendance at all types of educational institutions.

Additional federal funds to support students attending college have grown rapidly since that time. The 1988 fiscal-year budget for the Department of Education alone was close to $22 billion, with almost $9 billion for financial aid of postsecondary education students.

Establishing a sound basis for redistributing billions of federal tax dollars to millions of students has been easy in some cases and a problem in others. For example, the Social Security Administration distributed large amounts of funds to thousands of students to support their attendance at hundreds of institutions--with no apparent problems regarding evaluation, listing, approval, and accreditation of the institutions. On the other hand, the Veterans Administration had many highly visible, widely publicized problems as it operated the G.I. Bill from 1944 to 1952. The Veterans' Readjustment Act of 1952--passed to continue the benefits of the G.I. Bill--added a new requirement that

> For the purposes of this act the Commissioner [of Education] shall publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities as to the quality of training offered by an educational institution, and the state approving agency (operated in each state and financed by contract with the Veterans Administration) may, upon concurrence, utilize the accreditation of such associations or agencies for approval of the courses specifically accredited and approved by such accrediting association or agency. (See Young et al., 1983, Chapter 13, for an in-depth discussion of the politics of this law and its implementation.)

This seemingly innocuous bit of legislation fundamentally changed the focus of operation of voluntary accreditation. From attention to relationships with member institutions and the states that licensed them, it became a triad, a three-part structure for accreditation (Kaplin, 1975). The state and federal governments came to rely more and more on the findings of voluntary, private associations for decisions about government activities. Federal agencies now described voluntary accrediting associations as "agencies" and as "quasi-governmental." The accrediting associations described themselves as accrediting "bodies" which were "quasi-public" entities (Council on Postsecondary Accreditation [COPA], 1987, p. 1) and performed "voluntary nongovernmental evaluation" of institutions (Heilbron, 1976, p. 9).

In 1975, Kenneth Young (as cited in Kaplin, 1975), the first president of COPA, described the triad (of states, voluntary accrediting associations, and federal agencies) as "rhetorically equilateral" (p. v), although questioning the long-term possibility of an equal,

egal partnership. Over a decade later, the question still existed. Further discussion of each of the three parts of the triad may help to answer it.

## One Side of the Triad: Voluntary Accrediting Associations

As one of three major types, voluntary accrediting associations represent a minute but important part of the millions of nonprofit voluntary organizations that provide services and goods to the people of the United States. Voluntary associations operate side-by-side with for-profit business and commercial organizations and the governmental enterprises that are supported by taxes on the profits of these organizations. By definition, voluntary nonprofit organizations are *not* governmental agencies. However, over the last 50 years, the federal and state governments have increasingly depended upon voluntary organizations to provide necessary services, so much so that they often subsidize voluntary organizations to help them provide services necessary for the pubic welfare at the low costs characteristic of voluntary enterprises. In 1975, the Filer Commission, which studied this entire area, reported that the government itself was "contributing [i.e., buying or contracting for services] . . . about $23 billion to nonprofit organizations, compared to $25 billion from private giving to these same organizations." (See Harcleroad, 1980a, 1980b, for a more detailed discussion of this activity.) Although there is a constant press from state and federal governments to "use" the voluntary accrediting associations for governmental purposes, they continue to be essentially voluntary enterprises, acting in the public interest.

A century ago, at the same time that regulatory commissions such as the Interstate Commerce Commission and the Federal Trade Commission were being established by the federal government, the collegiate institutions of the United States developed the first voluntary nongovernmental associations designed to set some standards regarding collegiate education and to bring order into the process of movement from high school to college. Alongside these institutional associations, the members of various professional groups set up comparable discipline-oriented organizations. For example, the American Medical Association's Council on Medical Education started classifying medical schools in the 1905-1907 period, and within a decade, many of the weak and very substandard medical schools had closed. Other professional disciplinary associations have been founded regularly in every decade since that time, and today there are two major types of

voluntary accrediting associations, those that deal with institutions and those that deal with specialized programmatic fields of study.

By 1952, when the federal government determined that the lists of accredited institutions prepared by recognized voluntary accrediting associations would be the basis for their distribution of funds to individuals (and later to institutions for institutional purposes), there were six recognized regional, institutional accrediting associations covering all of the United States and its territories. These regional associations, in turn, had established their own voluntary association known as the Federation of Regional Commissions for the Accreditation of Higher Education.

The specialized programmatic accreditation organizations had grown to such numbers that shortly after World War II, the presidents of some of the leading universities of the United States formed the National Commission on Accrediting. This voluntary organization was designed to review all of the specialized programmatic associations and determine which ones should be supported by the institutional funds and which should be "forced" to revert to the institutional type of accreditation by having the institution refuse to pay any fees to these associations if they did not do so. Just as the National Commission on Accrediting was trying to close down several of the accrediting groups of a specialized nature, the Commissioner of Education, in September 1952, published the first list of recognized agencies and associations, including all of the specialized programmatic associations that had been under consideration, most for elimination, by the National Commission on Accrediting. As a consequence, the work of the National Commission on Accrediting was stopped in its tracks, and since 1952, the lists of voluntary accrediting associations have continued to grow in the specialized programmatic areas.

By 1975, it was clear that there would be a need for a national voluntary organization of accrediting associations that would be significant enough to act as a counter-balance to the developing accreditation activity and institutional evaluation carried on by the Department of Education. Accordingly, the National Commission on Accrediting and the Federation of Regional Commissions Accrediting Higher Education Institutions combined into what is now known as the Council on Postsecondary Accreditation. This national body has developed a very extensive program of "recognition" of the voluntary regional, voluntary national, and voluntary programmatic associations that make up its membership. As of October 1987, there were five national institutional accrediting associations on their list, six regional associations accrediting colleges and universities with programs of four years in length or more, and three regional associations accrediting institutions that were either

two year or vocational/occupational in nature. Finally, 39 specialized accrediting associations were listed as recognized by the Council on Postsecondary Accreditation, a grand total of 53.

The list prepared by the Secretary of Education pursuant to the 1952 law cited earlier included the same group of national institutional associations, the same regional collegiate and two-year associations, and a number of the same specialized associations. It is interesting and important to note, however, that by 1988 only nine of the voluntary accrediting associations recognized and listed by COPA appeared on this list. They were (1) The Association of American Law Schools, (2) The National Association of Schools of Public Affairs and Administration (recognized only for the master's degree in public administration), (3) The Council on Rehabilitation Education, (4) American Council on Construction Education (considering application to the Secretary of the Department of Education as of October 1987), (5) The American Home Economics Association, (6) The Joint Review Committee for Cardiovascular Technologists, (7) The Joint Review Committee on Educational Programs for Anesthesiologists' Assistants, (8) The American Association for Counseling: The Council for the Accreditation of Counseling and Related Educational Programs, and (9) The National Recreation and Park Association. Significantly, eight of these voluntary associations chose to stay in the voluntary "mode" and to have no relationship with the Secretary of Education and that government agency's requirements for recognition.

On the other hand, it is also significant to note that 16 voluntary accrediting associations chose to petition the Department of Education to appear on its list of "recognized" associations. At that time, they did not appear on the list of those recognized by the Council on Postsecondary Accreditation. These associations were

1. American Academy of Microbiology (purportedly to allow postdoctoral students in microbiology to quality for loan deferral),

2. American Association for Marriage and Family Therapy,

3. The Council for Non-Collegiate Continuing Education,

4. National Accrediting Commission of Cosmetology Arts and Sciences (a national institutional association with a very large membership),

5. The New York State Board of Regents (the only state agency on the list of the Department of Education),

6. The American College of Nurse-Midwives,

7. National Accreditation Council for Agencies Serving the Blind and Visually Handicapped,

8. Commission of Opticianry Accreditation,

9. American Board of Funeral Service Education (in contact with the Council on Postsecondary Accreditation in October 1987 for possible application),

10. Association for Clinical Pastoral Education (a member of COPA at one time but withdrew, possibly due to the additional expense),

11. National Association of Schools of Dance,

12. National Association of Schools of Theater,

13. The American Veterinary Medical Association Committee on Animal Technician Activity Training (a two-year program for para-veterinarians and not a member of COPA),

14. The Commission on Accreditation of Rehabilitation Facilities,

15. The Council on Naturopathic Medical Education (for free-standing institutions in this field), and

16. The United States Catholic Conference (clinical pastoral programs not in normal collegiate institutions and primarily in prison or hospital training programs).

A decade ago, only three or four accrediting organizations were not included on both of these lists. Clearly, over the past decade, there has been a major expansion in the numbers of specialized organizations entering the accreditation field. Also, an increasing number are not participating in the listing process of the Department of Education, and the

number of voluntary organizations with no relationship to the government agency is growing in number.

In contrast to the 69 accrediting associations appearing on the recognized list of the Council on Postsecondary Accreditation or the Federal Department of Education, there is a significant group that appears on neither list. An outstanding example is the American Chemical Society. From its beginnings in the early 1930s, it had been a highly regarded and almost-always-included accrediting association, listed by the Commissioner of Education in 1952 (although against its will) and a member of the Council on Postsecondary Accreditation from its beginnings. However, the American Chemical Society left the listing of the Secretary of Education because the review of its operation did not include some of the criteria from the Secretary's list. The members of the American Chemical Society felt that the criteria were unreasonable and unnecessary, and they have not appeared on the list since the mid-1970s. In addition, they did not continue membership in the Council on Postsecondary Accreditation after 1982-83. Contact with a number of individuals in the American Chemical Society provided indications that membership on either of these lists was not considered essential to their purposes and did not affect chemistry departments or chemistry students.

In addition, this second group of voluntary accreditation associations included many that were important to individual campuses and programs but had little national visibility. A few examples include the National Athletic Trainers Association, the American Institute of Planners, the Institute of Food Technologists, and the International Association of Counseling Services. Undoubtedly, there are many others, which is apparent in the catalog descriptions of various departments in the thousands of college catalogs distributed yearly in the United States. This group of voluntary accrediting associations continues the century-long tradition of "volunteerism," and there is no indication that they are quasi-public, quasi-governmental, or acquiring any characteristics of government agencies.

As an important part of the preparation of this article, the author surveyed responsible officials of each of the 14 separate accrediting commissions for postsecondary institutional accrediting activity in October of 1987. Much of the data on the characteristics of these commissions is precise. However, in a number of cases, the officials gave very close approximations of the exact figures because the effort required to obtain a precise figure would have been enormous. As a consequence, the approximations have been designated and included with the material presented in Table 1.

Table 1

Characteristics of Voluntary Postsecondary Institutional Accrediting Associations, October 1987

| | Staffing | | | Volunteers | | Institutions |
|---|---|---|---|---|---|---|
| Name of Association | Professional | Support | Total | Total Pool | Served, 1986-87 | Approved or Accredited |
| REGIONAL ASSOCIATIONS | | | | | | |
| Middle States Association of Colleges and Schools | 5.00 | 5.00 | 10.00 | 2500 | 629 | 501 |
| New England Association of Schools and Colleges: | | | | | | |
| Commission on Higher Education | 3.00 | 3.00 | 4.00 | 700 | 177 | 201 |
| Commission on Vocational Technical, and Career Institutes | 1.00 | 1.00 | 2.00 | 300 | 266 | 110 |
| North Central Association of Schools and Colleges | 6.00 | 6.00 | 12.00 | 750 | 750 | 958 |
| Northwest Association of Schools and Colleges | 1.75 | 1.00 | 2.75 | 475 | | 153 |

Table 1--continued

| Name of Association | Staffing | | | Volunteers | | Institutions |
|---|---|---|---|---|---|---|
| | Professional | Support | Total | Total Pool | Served, 1986-87 | Approved or Accredited |
| REGIONAL ASSOCIATIONS | | | | | | |
| Southern Association of Colleges and Schools: | | | | | | |
| Commission on Colleges | 8.00 | 8.00 | 16.00 | 3000* | 1200* | 800* |
| Commission on Occupational Institutes | 3.00 | 2.00 | 5.00 | 4000* | 700 | 401 |
| Western Association of Schools and Colleges: | | | | | | |
| Commission on Senior Colleges | 2.00 | 2.50 | 4.50 | 600* | 150* | 141 |
| Commission on Community Colleges | 1.00 | 1.50 | 2.50 | 1500* | 235* | 150 |
| NATIONAL ASSOCIATIONS | | | | | | |
| Association of Bible Colleges | 3.00 | 1.00 | 4.00 | 200 | 125 | 87 |

Table 1--continued

| Name of Association | Staffing | | | Volunteers | | Institutions |
|---|---|---|---|---|---|---|
| | Professional | Support | Total | Total Pool | Served, 1986-87 | Approved or Accredited |
| NATIONAL ASSOCIATIONS | | | | | | |
| Association of Independent Colleges and Schools | 12.00 | 2.00 | 14.00 | 700* | 567 | 1206 |
| National Home Study Council** | 6.00 | 1.00 | 7.00 | 140* | 110* | 80 |
| Association of Theological Schools | 4.00 | 7.00 | 11.00 | 160* | 102 | 204 |
| National Association of Trade and Technical Schools | 7.00 | 5.00 | 12.00 | 1500* | 1500* | 1127 |
| TOTALS | 62.75 | 46.00 | 108.75 | 16525 | 5882 | 6119 |

*Informed estimate of association officials.

**The National Home Study Council pays subject specialists to review every course offered by their accredited member schools, an estimated number of 70-80 every year, before the voluntary team members visit and evaluate an institution. This number is in addition to the volunteer total lists.

Data were secured on three important characteristics: (1) salaried staff, both professional and support; (2) volunteers who served on the accrediting activity of the commissions; and (3) the actual number of institutions approved or accredited by the commission involved. Only 62 full-time professional staff served the 14 commissions involved; one additional person worked nine months of the year. Only 46 persons were employed by the entire group of associations in a support, clerical, technical, or bookkeeping capacity. The number of volunteers in the total pool of available persons serving these 14 commissions as evaluators, reviewers, or board and commission members was an enormous group of 16,525 persons. Of this group, 5,882 persons were called upon for actual service during the 1986-87 accrediting year. The total number of institutions on the approved or accredited list of the 14 associations was almost exactly available and totaled 6,119 institutions. No one knows precisely the total number of students enrolled in these 6,119 institutions, but an educated estimate would indicate that it is well over 15 million and could be close to 20 million when all noncredit or extension enrollments are included. The data presented in Table 1 clearly indicate the profound effect of a small number of voluntary accrediting commissions staffed by a very small group of paid professional and support staff. Basically, these organizations operate due to a few thousand voluntary professionals who choose to serve because they think it is important to verify and acknowledge publicly those institutions that offer at least a minimally qualified program of postsecondary education. Obviously, without this small cadre of professionals working basically as a free resource, at least from their own perspective, the entire quality review and accrediting process of the United States would falter and could become nonfunctional. When data of this type for the institutional accrediting commissions are combined with comparable data from the specialized programmatic commissions, which are undoubtedly as great or even greater in numbers, the magnitude of the voluntary effort in support of institutional and programmatic accreditation can be clearly seen. Francis Herrick (1974), a distinguished historian and past executive secretary of the Western Association of Schools and Colleges (WASC), succinctly pointed this out in his history of the Western College Association:

> What is the concluding lesson after half a century? This can only be that the thought and labor given to the Association have been rewarded in its continuing life. So long as distinguished service is given freely--and only so long--a vigorous organization will go on for years to come. (p. 68)

## The Base of the Triad: The States

In the states of the United States, as in the colonies that were their predecessors, higher education institutions were chartered or licensed (created) by the civil government. All of the colonial colleges were created through a charter from the British crown. Nine of the original 13 colonies were church-states and had an "established" church. Virginia, New York, North Carolina, South Carolina, Georgia, and Maryland were Anglican. Massachusetts, New Hampshire, and Connecticut were Congregational. Three of the other four states with an established college had very strong religious ties. As a consequence, the colonial colleges were basically religious institutions and carried this heritage through the Revolutionary War period.

Separation of church and state was a very important part of the Revolution and the period immediately following (during the establishment of the Articles of Confederation and the Constitution). Concerns about higher education were affected to some degree by the ideas of separation of church and state and the balance of powers.

The 10th Amendment to the Bill of Rights was developed, stating "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." The term education was not used in the Constitution or in the Federalist Papers, which were developed to encourage its passage. Therefore, education was reserved to the states. As a consequence, the basis for all accreditation activity, the chartering and establishment of collegiate institutions, is a state prerogative and a state power.

Voluntary institutional accrediting associations all stipulate that institutions applying for membership must meet the standards, be accredited and enter into membership, and have the appropriate approval of the governing body in the state in which they are established. In addition, state agencies in many states are responsible for evaluation of institutions and programs that operate in the state.

Many terms are used to describe the evaluation and listing process involved, e.g., register (the term used by the first and longest-lasting agency, the Regents of the University of the State of New York), approve, recognize, accredit, certify, and license. All of these terms have been used at various times, and most of them continue to be used in various laws, regulations, and state accrediting agency procedural documents. Over the past 15 years, both the federal government agency involved in the Department of Education and many members of the professional accreditation groups in the United States have made a

determined effort to reserve the term accredit for the overall evaluation process as it affects the volunteer accrediting associations. For example, the American Medical Association for over 70 years had used the word approve rather than accredit. However, recent materials sent to the federal agency involved with the Department of Education used the term accredit. Nevertheless, there is not total agreement on any one word for particular parts of the process, and many state laws and regulations make use of differing terms for this same evaluation process.

The federal law passed in 1952 contributed to the problem in this area by using both agency and association as entities to be "recognized." Until recently, the annual or biennial report of accredited institutions as published by the Commissioner or Secretary of Education always included three parts: the institutional accrediting bodies; the specialized programmatic accrediting bodies; and Part III, dealing with state departments of education, state accrediting commissions, and state universities (as state units accrediting schools or colleges). As late as 1964, this report on accredited higher education institutions indicated that three-fourths of the states and geopolitical units of the United States were officially accrediting institutions of higher education within their own borders. They indicated that this function, as performed by state boards, state departments of education, state universities, state commissions, or other state agencies, could be either extra-legal, quasi-official, or legally authorized. However, these agencies were conducting accreditation, and the federal government was listing them for that purpose. In many cases, the states used the criteria established by regional accrediting bodies or adopted comparable criteria and used them for approval of or accreditation of the institutions themselves. For example, the Oklahoma Regents for Higher Education, which is charged with this responsibility, has an accrediting unit in the Regents' Office which accredits all newly established institutions in the state and then recognizes the accreditation of the institution by the North Central Association should such accreditation be granted later.

In addition to the accreditation of institutions, states have the responsibility, following an institution's chartering or original licensing, to license individuals to perform in professional fields such as medicine, law, accounting, engineering, and architecture. This function is very widespread, and the interwoven activities of the professional accrediting programmatic associations and the state governments are pervasive. Marjorie Peace Lenn, the 1987 Director of Professional Services for the Council on Postsecondary Accreditation, completed a detailed and difficult study of the state relationships between accreditation, certification, and licensure. She pointed out that "legislative action for the expressed purpose of protecting the public has in several cases inextricably tied the licensure and, in some cases, certification of an individual to graduation from an

accredited program" (p. 52). At least a dozen of the COPA-recognized accrediting bodies have a direct link with the professional programs in many states. For example, in her study, Lenn found that 12 states had registration and/or licensing laws affecting foresters, which involved accreditation by the Society of American Foresters. Most states require graduation from an accredited program in optometry, landscape architecture, dental hygiene, engineering, nursing, pharmacy, physical therapy, dentistry, and several dozen allied health fields such as occupational therapy, respiratory therapy, blood bank technology, medical records, histologic technicians, and others. A very striking finding of Lenn's study was the requirement imposed by 35 states that students must come from accredited programs in social work to obtain licensure or certification.

The states also use accreditation lists for purposes other than licensure. Thirty states give specific recognition to and exemption from some state laws if the courses or schools offering them are accredited by the National Home Study Council (NHSC). In Vermont, for example, accredited schools are exempt from bond requirements. In California, they are exempt from special state assessment for a tuition recovery fund. In Colorado, they are accepted without further review by the Veterans Administration/State Approval Agency. In Delaware, they are given a waiver of on-site visitation by the Veterans Administration's state-approving agency. As a final example, in Kansas, this NHSC accreditation is used as a basis for approval of out-of-state schools to operate in the state.

Another way in which specialized programmatic accreditation is used is the requirement by some state agencies that institutions proceed to obtain specialized accreditation. For example, in Massachusetts in 1985, the Board of Regents of Higher Education required its public colleges and universities to seek accreditation from the American Assembly of Collegiate Schools of Business (AACSB). The standards of the American Assembly of Collegiate Schools of Business are a statement of required resources and academic conditions the institution must require to receive programmatic accreditation. One of the controversial standards of the AACSB relates to the limitation on lower-division course work which can be counted as part of the major in business. As a consequence, many of the two-year colleges feel disenfranchised by this requirement because much of the course work they might be offering would not be allowed in the upper-division institutions that are required to qualify for and obtain accreditation from the American Assembly of Collegiate Schools of Business. Another example occurred in California, where, in 1968, the trustees of California State University adopted a policy encouraging its 19 campuses to establish and maintain the high academic standards necessary to achieve accreditation of specialized instructional programs and to budget appropriate funds for this purpose.

Further, the Chancellor's Office adopted the policy that a department must have programmatic accreditation before a master's degree program can be added to an existing undergraduate program. This set of policies led to membership in 29 various programmatic associations at a cost of $312,687 for 1984-85. In addition, the California State University campuses' total cost for membership in the Western Association of Schools and Colleges for regional institutional accreditation was $144,570 in that same year, for an overall total accreditation cost of $457,257 (California Postsecondary Education Commission, 1982).

Partially because a high proportion of the membership of the Western Association of Schools and Colleges is in California, the California legislature and other civil government officials have given enormous attention and direct attention to the entire process of institutional and specialized accreditation. When a number of out-of-state institutions began to operate in California, the legislature passed a law forbidding their operation unless they had been accredited through an appropriate site visit by the Western Association of Schools and Colleges. This, of course, put the Western Association in direct conflict with the other five regionals, which felt that their accreditation of the institutions was sufficient or that the Western Association should only collaborate in visiting out-of-state institutions when they were visited by the other regional associations. As a result of this tempest, the California legislature changed the law and established a separate system for the approval (accreditation) of out-of-state institutions that wished to operate in the State of California. The Private Postsecondary Education Division of the State Department of Education of California is charged with carrying out this function. The bill of the California legislature which moved WASC out of that process in (Senate Bill 1923) also provided that institutions could now be "approved" by the State of California provided that

> the curriculum is consistent in quality with curricula offered by appropriate established accredited institutions which are recognized by the United States Department of Education [and] . . . the course for which the degree is granted achieves its professed or claimed academic objective for higher education, with verifiable evidence of academic achievement comparable to that required of graduates of other recognized schools accredited by an appropriate accrediting commission recognized by the U.S. Department of Education.

Obviously, this provides that "approved" institutions meet the same standards as "accredited institutions" and, thus, makes the private postsecondary accreditation division

essentially a state agency accrediting institutions. There was some agitation by responsible officials of the California civil government that the list of recognized agencies and associations developed by the Secretary of Education should include this California agency. In many ways, it is quite comparable to the Regents of the University of the State of New York.

Another major factor related to accreditation and the effects of state agencies on accreditation is the development of statewide governing boards, statewide coordinating boards, and state planning/higher education boards. These agencies grew slowly before World War II but very rapidly after the war. By 1979, 49 states had a statewide coordinating board or a statewide governing board, in most cases for public higher education institutions. In 1979, Birch published the results of an extensive study he had conducted of state higher education agency responsibility for the evaluation and accreditation of public four-year institutions of higher education. He carefully examined all state codes, statutes, and constitutions that authorized these state higher education agencies and established the parameters within which they should work. He found that 17 of the 49 states involved had established their own higher education agencies to be responsible for the evaluation and accreditation of four-year institutions. Fourteen were explicitly authorized by legal documents, and three were based on general agency powers which were described by the executive officers as being used to implement the nine major characteristics of an accrediting process. Examples of states with legal requirements include Connecticut, which in 1977 was made "responsible for licensing and accreditation of programs and institutions of higher learning in Connecticut." Also in 1977, the West Virginia Board of Regents was charged with making "rules and regulations for the accreditation of all colleges and other institutions of higher education in the state." In Mississippi, although the state governing board responsible for the colleges and universities in the state was not charged with accreditation, a separate commission on college accreditation had been created in 1942 specifically to prepare an approved list of junior and senior colleges and universities located in the state. They were further charged with adopting standards that were in keeping with the best educational practices in accreditation and to receive reports from the institutions seeking to be placed on the approved list. These few examples well illustrate the potential accreditation powers of the central state governing boards and coordinating boards in the various states.

In addition to a study of the legal statutes, Birch (1979) took the nine specific elements of the accreditation process as listed in the literature of the Council on Postsecondary Accreditation and sent a research survey to all of the state higher education executive officers to obtain information on their opinion regarding the responsibility of their agency

for each of the nine elements, the legal basis for the agency responsibility, and what actions had been taken by the agency on these responsibilities. In other words, if they were responsible, had they actually implemented the standards? In addition, he surveyed the same executives to determine their opinions regarding the future operation of their agency with regard to the nine specific elements of the accrediting process. Of the 49 higher education executives, 34 reported opinions favoring the adoption, continuation, or expansion of state-agency responsibility for at least five and in some cases nine of the major elements of accreditation. Because this study was performed in 1979, it would be useful to determine whether the opinions of the higher education executives involved came to fruition. A good deal of action has probably taken place, although not explicitly in terms of "accreditation developments" or centered around or called "accreditation."

Statewide testing programs and assessment of elementary and secondary school student achievement have been moved directly into higher education institutions with state initiatives as the basic force behind them. However, the assessment and outcomes measurement process described in many of the states is much broader and much closer to the overall process of institutional or program evaluation and eventually "accreditation." A 50-state survey conducted by the Education Commission of the States and the State Higher Education Executive Officers (Boyer, Ewell, Finney, & Mingle, 1987) indicated that two-thirds of the states felt that within the past two years, they had developed a formal initiative labeled "assessment" and "could point to explicit statewide assessment programs planned or already in place" (p. 9). Boyer and his team found that persons in the various states reported "doing assessment" but that their definition could be quite different from what might be supposed to be merely a testing program. Survey respondents indicated that there were "new initiatives to strengthen program and institutional reviews." By incorporating outcome measures, new statewide retention studies, and new follow-up surveys of college graduates. Such items are characteristic of good accreditation self-studies, although they are not nearly as complete as would be expected in a full accreditation process. Nevertheless, the entire assessment movement has undoubtedly pushed forward the idea of state concern and possibly state preeminence in the determination of institutional and program quality and eventually in the funding and approval of such programs and institutions.

This position was rather strongly supported by the 1986 document of the National Governors' Association entitled *Time for Results: The Governors' Report on Education*, which stressed four different points on assessment: (1) the need for each college to have a systematic program using multiple measures, (2) the need to use the assessment information to evaluate institutional and program quality and make it available to the

public, (3) the adjustment of funding formulas for public colleges and universities to provide incentives based on results of a comprehensive assessment program, and (4) that the institutional accreditation grant should be based somewhat on demonstrated levels of student learning and performance. A recent special task force of the State Higher Education Executive Officers (SHEEO) was established to study the governors' report. They made 10 recommendations for a nationwide program. This overall look at assessment included some recommendations dealing directly with phases or parts of accreditation. For example, Recommendation 4 supported the use of measures involving the performance of students on licensure and certification examinations for the judgment of program and institutional quality. Eight other recommendations dealt with particular parts of a total assessment program, but Recommendation 10 suggested strongly that institutional accreditation associations should include assessment of student outcomes in the accreditation process. Likewise in the comment regarding this recommendation, the special SHEEO committee suggested that in licensing and certifying fields, specialized accrediting associations should set minimum standards for performance as part of their review. They further suggested that regional accrediting associations should work with institutions to set individual benchmarks for outcomes in such areas as the assessment and diagnosis of entering students' capabilities; uniform definitions of graduation and retention rates, with special attention to minority students; and dealing with the assessment of general education objectives of undergraduate students.

Obviously, the depth and intensity of the assessment and outcomes measurement activity of the past decade, particularly the last few years, along with attention to the demands for quality by our constituents, make it clear that the nationwide thrust in this direction has been a major activity at the state level. Inevitably, this entire assessment movement and its direction by the states will have long-reaching effects on both institutional and programmatic accreditation.

## The Other Side of the Triad: Federal Agencies

Until recently (even post-World War II), the federal government has been described as "operating at the periphery of higher education" (Brubacher & Rudy, 1976, p. 219, 230). In spite of a few major contributions in the form of land to establish state universities or other land-grant institutions or to fund organizations such as the National Youth Administration for over 620,000 college students (a total of $93 million) during the 1930s Depression, it was not until the Veterans Readjustment Act of 1944 began pouring billions of dollars into higher education that it became a major actor on the stage of higher

education. Simultaneously, during World War II, the needs of the nation for research had led to a massive, but focused, program of financing research at federal expense through selected research universities in the United States. As Cowley and Williams (1980) pointed out quite cogently, the federal interest since World War II has been primarily in financing individuals or in financing research and not for the support of teaching itself.

The enormous shift in sources of support for higher education institutions is most apparent in examining the share that comes from the federal government. Between 1929-30 and 1973-74, the total governmental appropriations for higher education institutions moved from 9% at the federal level and 91% from state and local levels to 45% from the federal level and 55% from the other two governmental sources (Carnegie Council on Policy Studies in Higher Education, 1980). This tremendous change led to the increasing problems discussed earlier, distributing funds and ensuring accountability for the expenditure those funds. Finkin (1978) emphasized that the Higher Education Amendments of 1972 indicated a Congressional response to this problem, particularly as it applied to financial aid for students. In that year, Congress provided for a fiscal audit of institutions participating in the insured loan program to establish "reasonable standards of financial responsibility" for each of the institutions and to suspend or terminate the eligibility of institutions that fell afoul of such regulations. In 1976, Congress expanded the power of the Department of Education to carry out a fiscal audit of an approved institution's financial aid operations. Congress had taken into account the reported continuing abuse in the guaranteed student loan program and concluded that the accreditation system alone was not an adequate check on such abuses. Also in 1976, Congress rejected the request of the Commissioner of Education for express statutory authorization to require accrediting agencies to determine the "probity" of the institutions they accredited as a condition for being listed. Finkin explicitly summarized the approach of the Congress during the last several sessions:

> It is clear that nothing in the legislation enacted after 1968 represents any change in the basic statutory assumptions of the accreditation-reliance system. On the contrary, the post-1968 legislation indicates that when Congress sought to tighten controls over institutional activity unrelated to educational quality, to effect policies of consumer protection or financial responsibility, it chose to act directly by means unrelated to the system of institutional or programmatic accreditation. (pp. 6-8)

In this way, Congress determined that the police power of the state shall be exerted through the Department of Education directly with institutions or students and not by the accrediting associations themselves or the Council on Postsecondary Accreditation. As will be noted later, the regulations proposed in September 1987 continued to attempt to use the listing process for recognition of accrediting agencies and/or associations as an easier, less expensive alternative to having the Department of Education actually exert the appropriate policy power with particular institutions or students found to be abusing the funding they received.

The restraints placed on federal agencies by constitutional stipulations and specific legislative limitations were quite restrictive. For example, the 1958 National Defense Education Act contained specific language:

> Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the U.S. to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

Similar language inserted in Section 432 of the General Education Provisions Act has become almost "boiler plate" for inclusion in appropriation bills and acts enacted by Congress and the Department of Education over the past two decades.

Also in the past two decades, the expansion of federal programs involving education and educational accreditation has been extremely significant. Bender (1977) indicated that the Committee on Education and Labor and the United States House of Representatives had jurisdiction over 114 federal programs in the higher education field by 1976. At the same time, the Library of Congress identified 439 separate statutory authorities affecting higher education. Young et al. (1983) also noted that there were "about 400 programs in a wide variety of federal agencies which delivered funds either directly to institutions of postsecondary education or indirectly through the states or through their students" (p. 141). Thirty of these programs (7-8%) were administered by the Office of Education. However, in spite of this proliferation of bills and programs affecting higher education, the Department of Education and the Secretary of Education continued to be limited in their direct control or administrative authority in the institutions at which the programs were aimed.

Another small straw in the wind regarding federal Congressional attitudes toward accreditation by the federal government involved the following. The Veterans Administration's 1987 fiscal-year budget for contracts with the states to fund state-approving agencies was only $9.3 million. This was a significant drop from the $15 million expended a number of years previously and gave rise to the concern that the state-approving agencies might be established as a federal system of overall accreditation. The considerable cuts and resulting diminished potential for federal takeover of accreditation was a significant change from the past.

January 5, 1988, stands out in the legal history of voluntary institutional accreditation. On that day, a federal judge in Portland, Maine, Frederick O. Johnson, determined in the Nasson College case (Maine, Chapter 11, Case No. 282-00416) that "the federal government is not involved in the accreditation process. One of the distinctive features of American education is that the development and maintenance of educational standards are the responsibilities of nongovernmental, voluntary accrediting associations." He cited a number of supporting cases leading to this conclusion, agreed with them, and ruled that a regional accrediting association, "the New England Association of Schools and Colleges, is not a governmental unit."

The urge and/or desire to ensure that federal "spending" programs are properly used by individuals, programs, and institutions leads to constant tension about the way in which the accountability function is to be administered. Precisely for this reason, the Congressionally required listing of accrediting associations and agencies through a Department of Education recognition process brings the control and/or accountability factors very close to actual evasion of other laws provided by the Congress. A specific example relates to the Higher Education Amendments of 1986, which made a number of changes in the laws related to higher education and to the regulations for recognition of accrediting associations and agencies for which a new set of rules was proposed in the *Federal Register* for September 8, 1987. Two illustrations will suffice. Congress has a great deal of concern regarding the expenditure of federal money for students who do not have the "ability to benefit" from the use of federal funds. Consequently, they included a specific provision regarding the ability to benefit students and how they are to be admitted, tested, counseled, and in other ways better prepared to make proper use of the funds. This law specifically prohibited the Secretary of Education from establishing rules and regulations that would define the admissions procedures or the remediation programs that are used by institutions that admit students in the ability-to-benefit category. The Secretary, likewise, is specifically charged not to impose upon any accrediting body standards that are different or more restrictive than the standards provided in the statute.

Congress, in its wisdom, felt compelled to write this restriction into the enabling legislation. The section of the proposed new rules for recognition of accrediting associations included Section 602.20 dealing with the ability to benefit students under the Title IV Student Financial Assistance programs.

In reviewing the entire set of rules, the Council on Postsecondary Accreditation's (1987) response to this section was that it should be completely deleted because it specifically went beyond rules related to the development of criteria for preadmission counseling of prospective students. The COPA reviewers noted that this was specifically not in the law and, therefore, it was in violation of the way in which the law had been prepared. This is an excellent example of the tension which had developed over these massive federal funds and the limitations of federal agencies trying to administer the programs through a system that involves nongovernmental agencies and independently developed criteria in a number of different associations and groups.

## Concluding Remarks

Voluntary accreditation obviously has many uses. Boyer, in his 1986 report for the Carnegie Foundation for the Advancement of Teaching, *College: The Undergraduate Experience in America*, proposed that revoking institutional accreditation as well as eligibility for intercollegiate participation might be the form of punishment most likely to stop serious violations of athletic rules. Seemingly, every problem that develops in the operation of the thousands of varied postsecondary education institutions is susceptible to repair or improvement if only the voluntary accrediting associations would change their criteria to include the particular problem that arises. In addition, sanctions of varying agencies, associations, and organizations might include revocation of accreditation for institutions that do not comply.

Over the century in which voluntary accreditation has been developing, a multitude of uses has actually been developed. Miller named many of the public and private uses of accreditation in his classic 1973 study which was important in the establishment of the Council on Postsecondary Accreditation. Key examples follow.

1. Of course, a primary use of the accreditation process is to provide prospective students, academic counselors, and parents with some guidance in choosing institutions and programs of study.

2. As we have noted, the states use the accreditation process, primarily of specialized programmatic associations, but also the regionals in many cases, for the determination of licensure of individuals and the admission to practice of people in a wide variety of fields.

3. Admission to graduate schools often depends on graduation from a regionally accredited institution or in departments approved by a specialized programmatic association.

4. Many states and the federal government use the accreditation associations and their approval of institutions as a basis for eligibility to participate in state loan and scholarship programs and in federal loan, work study, and grant programs.

5. Undergraduate and graduate traineeships and fellowships are often limited to institutions with accredited educational programs, particularly in the health related and vocational rehabilitation related fields.

6. Commissioned appointments in the public health service depend upon graduation from an accredited institution or program of study, and eligibility for a commission in the military services for a nurse must be graduation from an accredited program by the National League for Nursing.

7. Membership in professional societies, such as the American Chemical Society, is often contingent upon completion of a degree program in an accredited or approved program. In the case of the American Chemical Society, a person can qualify for membership after one year of service as a chemist rather than waiting for three years of service as a chemist. Qualifications of this type are also characteristic in the engineering fields where graduation from an accredited engineering school program will substitute for years of experience in the field toward membership in the society and in some states speed up the process of eligibility to take the examinations for certification and registration. Another example is membership in the Society of American Foresters, where accreditation determines the eligibility of graduates for certain grades of membership. (pp. 36-37)

Additional uses for accreditation develop constantly. Many foundations provide funds or accept proposals for projects only if the institution or the program within the institution is accredited. This same policy is often followed by large business organizations in their decisions about gifts to college endowments and even in their determination to participate in joint institutional-business arrangements to increase economic productivity and improve economic development in the regions in which they may be together.

Two different approaches appear to be developing insofar as accrediting associations themselves are concerned. A number of associations have petitioned the Secretary of Education for recognition by the Department of Education for very special purposes of their association. For example, the American Academy of Microbiology apparently petitioned for and received recognition by the Secretary of Education mostly because of the large number of postdoctoral students involved in microbiology and the possibilities of government loan payment deferral until completion of the program.

On the other hand, it is important to emphasize that a number of professional accrediting associations have sought and obtained recognition from the Council on Postsecondary Accreditation without recognition from the Department of Education. That coupled with the small but increasing number of associations that have not sought recognition from either of the two large listing bodies indicates that the future development of voluntary accrediting associations may very well be at a distance from the federal and even the state agency operations.

In valedictory remarks as president of the Council on Postsecondary Accreditation, Richard Millard pointed out how the focus has changed. The major concepts being studied and considered by accrediting associations at this point are assessment, outcomes, and quality improvement. Of course, the evaluation of institutions to determine educational quality has been a major responsibility of voluntary accrediting associations for many decades. However, the current attention to assessment and outcomes has caused a very close relationship between accrediting associations and the states that have been the primary focus of this attention. The federal government and its agency responsibilities tend to focus on the operation of programs, financing, and proper controls over the expenditure of funds. Although this is still a concern in several states, there has been an enormous push for a thoughtful and measured but activist approach toward the measurement of outcomes and the assessment of student success. Millard very appropriately emphasized the problem of confusing assessment of learning outcomes with institutional effectiveness as a whole. Multipurpose institutions with major responsibilities for research and public service must be evaluated in a different way than those institutions

that have a primary responsibility for instruction, teaching, and the learning outcomes of the students who attend.

In nurturing the cooperative work of COPA with the 50 states through the Education Commission of the States and the State Higher Education Executive Officers group, Richard Millard, at heart a philosopher, may well have made one of his major contributions to American society. The trend in the states toward assessment and quality measures and away from arbitrary controls tied to financial aid to students as driving forces in accreditation fits closely with critical objectives of the volunteers who make accreditation work. James Conant and Terry Sanford started the Education Commission of the States 20 years ago as a counterweight to a developing federal colossus. In this case, Millard's efforts have help materially to keep the triad in balance.

Finally, it is important to note the delicate balance in which the triad exists and operated under constant tension. The almost countless interconnections among the various states, the several voluntary accrediting associations, and the many agencies of the federal government make it a mosaic that is impossible at this stage in the history of our country to separate. The important thing is to be sure that the discrete differences in the contributions of the voluntary associations can be separated and carefully protected in their dealings with governmental agencies. Quite clearly, the police power of the states or the federal government is not something that can be transferred to a voluntary nongovernmental agency. Likewise, it is clear that the voluntary associations and their thousands of basically free voluntary evaluations will not accept the responsibility to exert "the police power of the state" in the process of their public service.

Probably the ultimate answer to the question of the voluntary accrediting associations becoming governmental agencies centers around the problem of the private citizen and the responsibilities of a private citizen in voluntary service. The voluntary accrediting associations operate at a very modest expense overall compared with the enormous amount of good they do and the service they provide to society. Federal government agencies would be well advised in the future to note that the Congress has placed strict limitations on the use to which the listing power can be placed and specifically ordered the Department of Education to use its own facilities for audits and inspection of institutions and programs to put into effect the police power of the state when abuses are present. In 1976, it intentionally kept the word probity out of the activity of the Department of Education and in 1986 specifically stated limits on the powers of the Secretary of Education in the establishment of rules for implementing the recognition process. In the various states, elements common to this same process are at work, although the states use

rather freely the professional associations as cohort associations in assisting in the improvement of professional services to the populace. However, the professional associations appear to be the group most responsible for this increase, ad it would be easy for them to cut back on their responsibilities or not add further responsibilities themselves.

Accordingly, it appears that there are conflicting movements within the accreditation scene at the present time that are sufficient to make a calculated estimate on our original question. The accrediting associations are not government agencies at the present, and they will not be in the conceivable future. They have a quasi-public relationship which requires good stewardship and attention to the public service for which they were created. However, the independence of the thousands of volunteers who make it work is some assurance that they will never become "just another government agency."

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